

**United States Department of the Interior
Bureau of Land Management**

**Environmental Assessment
DOI-BLM-LLCON02000-2015-012**

MPEI Rebuild on Hwy 40 and CR 2

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U.S. Department of the Interior
Bureau of Land Management
Colorado
Kremmling Field Office
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BLM

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1. INTRODUCTION

1.1. Identifying Information

Project Title: MPEI Highway 40 at CR 2 power line upgrade

Legal Description: Grand County, 6th P.M.;
T. 1 N., R. 79 W., Sections 7 & 8;
T. 1 N., R. 80 W., Section 12 & 13.

Applicant: Mountain Parks Electric

NEPA Document Number: DOI-BLM-N02-2015-012

Casefile/Project Number: COC-76337

1.2. Background

Mountain Parks Electric, Inc. (MPEI) is preparing to rebuild an existing power line near Highway 40 and County Road 2. This power line is old and needs to be replaced for safety reasons. The conductor, poles and crossarms will be upgraded. The line being rebuilt crosses the BLM in:

T. 1 N., R. 79 W., Sections 7 and 8; and in T. 1 N. R. 80 W., Section 12 & 13, 6th P.M.

This line is covered by COC-13113, which was issued pre-FLPMA. Pre-FLPMA right-of-ways cannot be amended, which is why an environmental assessment is required for the proposed action. After which a FLPMA right-of-way may be issued.

1.3. Purpose and Need for Action

The purpose of the project is to provide the opportunity to provide access across BLM lands for a power line. The need for the project is established by BLM's responsibility under FLPMA to respond to a request for a right-of-way grant.

1.4. Decision to be Made

Based on the analysis contained in this EA, the BLM will decide whether to approve or deny the proposed power line and if so, under what terms and conditions. Under the National Environmental Policy Act (NEPA), the BLM must determine if there are any significant environmental impacts associated with the Proposed Action warranting further analysis in an Environmental Impact Statement (EIS). The Field Manager is the responsible officer who will decide one of the following:

- To approve the power line rebuild and reroute with design features as submitted;
- To approve the power line with additional mitigation added;
- To analyze the effects of the Proposed Action in an EIS; or

- To deny the power line rebuild and reroute.

1.5. Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: Kremmling Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: December 19, 1984; Updated February 1999

Decision Language: Provide the opportunity to utilize public lands for development of facilities which benefit the public, while considering environmental and agency concerns. Page 14.

2. PROPOSED ACTION AND ALTERNATIVES

2.1. Proposed Action

MPEI has applied to rebuild an existing power line. Portions of the line will be rebuilt and a portion of the line will be rerouted. This line is covered by COC-13113, which was issued pre-FLPMA. Pre-FLPMA permits cannot be amended, which is why an environmental assessment is required for the proposed action.

2.1.1. Project Components and General Schedule

MPEI is requesting a 100 foot right-of-way from the BLM in order to allow space for overhead guys and anchors. Access for construction will be done within the right-of-way and under the existing power line. No new roads will be constructed. There would be one 150' x 150' staging area in the existing gravel pit.

During the power line rebuild, a segment on the BLM is proposed to be relocated. The remaining portion of the power line would be removed (retired) and rebuilt in its existing location. Map 1 in Appendix A shows the existing MPEI power lines, and the segment that is proposed to be replaced on public lands. Currently, the MPEI power line crosses approximately 2.4 miles of BLM in the Sulphur Gulch area. The rebuilt route with the proposed relocation would cross a total of 12,200 feet (2.3 miles). The north portion of the power line is located north of the Colorado River which would contain 11,110 feet and the south portion of the powerline which is located south of the Colorado River and north of the substation, would contain 1,090 feet.

The proposed work would occur during the summer of 2015.

2.1.2. Design Features

1. No vehicle or mechanized equipment will cross Sulphur Gulch.
2. Erosion control measures will be put in place prior to construction to keep sediment from reaching wetland vegetation (Sulphur Gulch) or the private irrigation ditch (southern route).
3. No new routes are proposed for the project. Disturbed areas that are visible will be reseeded with a BLM approved native seed mix. If disturbance leads to an unauthorized route the proponent will be required to install a gate or fencing to prevent unauthorized travel along the power line corridor.
4. Nine sites are determined by the BLM as eligible for the National Register of Historic Places, including prehistoric sites 5GA1832, 5GA1835, 5GA2525, 5GA4393 and 5GA4396, and two segments of the DN&P/D&SL/D&RGW/UP railroad (5GA3564.13-14) and two segments of U.S. Highway 40 (5GA686.23-24). The remaining sites and all of the IFs are assessed as not eligible for the NRHP, and no further work is recommended.
 - a. Sites 5GA686.23, 5GA686.24, 5GA3564.13, 5GA3564.14 are spanned by the existing and new route, which is in the same alignment for the transmission line and will not be affected. Proposed activities in the vicinity of sites 5GA1832, 5GA1835, and 5GA2525 are all related temporary affects related to removal of the existing line. MPE will remove the existing poles and line during the winter when the ground is completely frozen and covered with a minimum of six inches of snow to eliminate disturbance to the sites. Line Poles will be removed by cutting them off at the base and left on the ground. Temporary construction activity is anticipated in the vicinity of site 5GA4393; however, a buffer has been created around the site boundary, and the area will be fenced off using orange snow fence and monitored for protection during the construction phase. The reroute corridor which originally crossed site 5GA4396 has been re-engineered so that it passes to the south of the site; therefore, there will be no impacts to this site as a result of the proposed rebuild project. The BLM has determined that the proposed project is a **no adverse effect**, there are **no historic properties affected**.

2.1.3. BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM KFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM

determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

2.2. No Action Alternative

The No Action Alternative constitutes denial of the power line rebuild. Under the No Action Alternative, none of the proposed project components described in the Proposed Action would take place.

2.3. Alternatives Considered but Eliminated from Detailed Analysis

No feasible alternative surface locations were identified for the proposed project that would result in less surface disturbance than the proposed location.

3. PUBLIC INVOLVEMENT

3.1. Scoping

NEPA regulations (40 CFR 1500-1508) require that the BLM use a scoping process to identify potential significant issues in preparation for impact analysis. The principal goals of scoping are to identify issues, concerns, and potential impacts that require detailed analysis. Scoping is both an internal and external process.

Internal scoping was initiated when the project was presented to the Kremmling Field Office (KFO) interdisciplinary team on 03/01/2015. External scoping was conducted by posting this project on the BLM on-line National Environmental Policy Act (NEPA) register at: https://www.blm.gov/epl-front-office/eplanning/lup/lup_register.do

4. ISSUES

The CEQ Regulations state that NEPA documents “must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail” (40 CFR 1500.1(b)). While many issues may arise during scoping, not all of the issues raised warrant analysis in an environmental assessment (EA). Issues will be analyzed if: 1) an analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) if the issue is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of the impacts. The following sections list the resources considered and the determination as to whether they require additional analysis.

4.1. Issues Analyzed

The following issues were identified during internal scoping as potential issues of concern for the Proposed Action. These issues will be addressed in this EA.

- **Soil Resources:** The Sulphur Gulch area was identified in the RMP as a sensitive watershed. Sensitive watersheds are considered fragile, with disturbances easily resulting in accelerated erosion.
- **Surface and Ground Water Quality:** The Proposed Action’s construction and maintenance could impact Sulphur Gulch, which is a perennial stream. The stream is tributary to the Colorado River. There are no ground water concerns for this project.
- **Wetlands and Riparian Zones:** The Proposed Action crosses Sulphur Gulch, which the Colorado Natural Heritage Program mapped as a “potential conservation area” due to the wetland vegetative community. The proposed powerline reroute construction and maintenance could impact Sulphur Gulch’s vegetation.
- **Special Status Animal Species:** The Proposed Action falls within a 0.6 mile radius of a sage grouse lek which has shown under similar actions to cause avoidance behavior and decreased recruitment. Mitigations should be adequate to address these concerns. If mitigation work and stipulations cannot be met, a more viable alternative would need to be proposed.

- **Cultural Resources:** The Proposed Action potentially affects an area with high cultural resource significance.
- **Visual Resources:** Highway 40 is a designated scenic byway.
- **Livestock Grazing:** The proposed action would have no effect on livestock management within the proposed project area. Currently the project area is within a reserve allotment which is not expected to be used for cattle grazing for some time. See attached stipulations for livestock grazing mitigations.

4.2. Issues Considered but not Analyzed

The following resources are not present within the project area, and would not be directly or indirectly impacted by the Proposed Action, or the No Action Alternative. No analysis was done for these resources:

Air quality, prime and unique farmlands, wilderness, wild and scenic rivers, scenic byways, geology and minerals, hazardous and solid wastes, forest and woodland vegetation, wild horses, lands with wilderness characteristics, range management, forest management, aquatic wildlife, and areas of critical environmental concern.

- **Native American Religious Concerns:** Tribal consultation was initiated on October 14, 2014, and to date no affiliated tribe has identified any area of traditional cultural or spiritual concern.
- **Social and Economic Conditions and Environmental Justice:** There would not be any substantial changes to local social or economic conditions or environmental justice. No minority or low income populations are expected to be negatively affected by this proposal.
- **Fire Management:** The proposed action would have limited to no impact on Fire Management. Any potential impacts would be positive by reducing the chance of the old power line failing and potentially causing a wildland fire.
- **Paleontological Resources:** A Paleontological inventory (IBLM #CR-14-25) was conducted and no fossil resources were recorded. Geologic formations sensitive for fossil resources are present, but will not be impacted by the proposed project. BLM standard “discovery” stipulation is part of the environmental assessment and is to be attached to any authorization allowing project to proceed.
- **Floodplains, Hydrology, and Water Rights:** The Proposed Action could impact surface water’s, and is analyzed in the water quality section of this document. There would be no other impacts to the floodplain, hydrology, or water rights.
- **Realty Authorizations:** No impacts to other realty authorizations would occur in the proposed project area.

- **Recreation:** The area is primarily used for hunting, driving for pleasure, Off Highway Vehicle Use, hiking and wildlife watching. The project proposal is in close proximity to U.S. Highway 40 and would not create additional impacts due to the existing noise and visual impacts from traffic.
- **Access and Transportation:** The proposal does not identify any new routes or temporary closures. An old route was once present in the vicinity of the proposed new power line alignment but has naturally vegetated and is no longer an established route for use. A temporary staging area is identified within the existing gravel pit which is not utilized for public use.
- **Noise:** The project proposal is in close proximity to U.S. Highway 40 and would not create additional impacts due to the existing noise from traffic.
- **Lands with Wilderness Characteristics:** There are no Wilderness, Wilderness Study Areas or areas found to possess wilderness characteristics within the Proposed Action Area.
- **Migratory Birds:** Since the proposed actions would take place outside of the primary nesting season of May 15th to July 15th, the proposed action should have immeasurable and no irretrievable impacts to this resource.
- **Terrestrial Wildlife:** Since the project would occur outside of big game critical wintering periods, no impacts are expected from this action.
- **Special Status Plant Species:** There are no Special Status Species plant species within the footprint of the proposed action.
- **Rangeland Vegetation:** The attached stipulations provide adequate mitigation for vegetation management actions within the proposed project area. No significant disturbance is expected from the proposed action therefore little to no vegetation loss is expected and will be only temporary. The attached stipulations provide for adequate reseeding procedures and invasive species mitigation.
- **Invasive, Non-Native Species:** The attached stipulations provide adequate mitigation for invasive, nonnative species within the proposed project area. No significant disturbance is expected from the proposed action therefore little to no vegetation loss is expected and will be only temporary. The attached stipulations provide for adequate reseeding which will prevent and or deter any new populations of invasive species to establish. Currently there are no known invasive and or noxious species within the project area. However a large population of crested wheatgrass was established in the past within the project area, but at this time is not considered invasive by the BLM.

5. AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

5.1. Soil Resources

5.1.1. Affected Environment

The Proposed Action crosses several different soil mapping units on public lands, primarily in the Harsha loam and Leavitt loam series. These soils formed in local alluvium from sedimentary rocks. Soil textures tend to be loams underlain by clay loams. Permeability is moderate and plant available moisture is high. As slopes steepen, runoff rates increase and the hazard of water erosion increases. Steeper slopes tend to be dry exposure range sites and are difficult to revegetate. There are also Tine cobbly sandy loams mapped within the ROW route, which formed in alluvial outwash. These soils gravelly to cobbly soils are sand textures within about 14 inches from the surface. Permeability is rapid and plant available moisture is low. Runoff is generally moderate, but as slopes increase, the water erosion hazard is high. The Sulphur Gulch subwatershed is a sensitive watershed in the RMP, “an area with adverse geologic, soil, and/or vegetative conditions which cause a fragile situation. Small changes in land use intensity can cause large changes in erosion rates. Some of these areas are already experiencing accelerated erosion.”

5.1.2. Environmental Consequences – Proposed Action

Construction traffic can remove vegetation, compact soils, and create runoff pathways that are parallel to the slope. By not blading the vegetation, the soil surface is more protected from erosion. Areas where routes are created due to construction traffic will have erosion control practices implemented prior to snowfall to stabilize the slope and prevent runoff from travelling the route and creating rills. Implementing best management practices will help minimize soil impacts and reduce erosion.

5.1.3. Environmental Consequences – No Action Alternative

Under the No Action Alternative, no rebuild or reroute would occur. There would be no new surface disturbances until emergency maintenance occurs. Maintenance of the line could result in soil disturbances that would also require erosion control measures to help improve reclamation success.

5.1.4. Mitigation Measures

None

5.2. Surface and Ground Water Quality

5.2.1. Affected Environment

The Proposed Action occurs within the “Upper Colorado River above Kremmling” 5th order watershed. The powerline crosses the Colorado River and its perennial tributary, Sulphur Gulch. The waters are classified for coldwater aquatic life, class 1, water supply, agriculture, and recreational uses. This segment of the Colorado River is on Colorado’s 303(d) List of Impaired Waters for temperature and manganese impairment. The manganese levels are for water supply uses. The segment has a high priority for total maximum daily load development, and has been on the 303(d) List since 2010. Temperature was added as a water quality standard in 2007. Temperature issues can result from several factors, including low flows, exposed rocks during

hot summer days, and from riparian vegetation removal. Sulphur Gulch's water quality reflects the underlying marine geology where the spring originates. It does not support aquatic life, with high dissolved salts and metals and warm temperatures.

5.2.2. Environmental Consequences – Proposed Action

Under the Proposed Action, the southern line will require construction on slopes that exceed 30% slopes. With the proposed design features, soil loss will be minimized. If any runoff did leave the north side of the hill, it could be intercepted by a private irrigation ditch that runs parallel to County Road 39. Runoff would not be expected to flow past the ditch and reach the Colorado River. By not crossing Sulphur Gulch with equipment and minimizing vegetation disturbance, the north route would not be expected to impact Sulphur Gulch's or the Colorado River's water quality. The proposed rerouted line's four poles that would be adjacent to the Gulch could result in sediment loading to the water. All areas of exposed soil would be stabilized to prevent soil erosion reaching the Gulch.

5.2.3. Environmental Consequences – No Action Alternative

Under the No Action Alternative, no rebuild of the powerline would occur. There would be no potential to impact water quality, unless emergency access was needed to restore power to the line. Expected impacts would be dependent on the access route and the surface conditions at the time.

5.2.4. Mitigation Measures

None.

5.3. Wetlands and Riparian Zones

5.3.1. Affected Environment

The Proposed Action crosses Sulphur Gulch and a small tributary to Sulphur Gulch. Sulphur Gulch is fed by diffuse warm water mineral springs. Sulphur Gulch has been mapped by the Nature Conservancy and the Colorado Natural Heritage Program as supporting two riparian communities- western slope salt meadow dominated by a saltgrass (*Distichlis spicata* var. *stricta*) and the American Bulrush meadow, primarily of common three-square (*Schoenoplectus pungens*). The area has an excellent (A-ranked) occurrence of the globally vulnerable to apparently secure common three-square herbaceous vegetative plant community. The entire drainage and tributary has been recommended as a potential conservation area, with moderate biodiversity significance.

5.3.2. Environmental Consequences – Proposed Action

The proposed reroute crosses the main gulch and tributary, and then crosses the tributary again. Two of the proposed pole locations are adjacent to wetland vegetation, on a slope between the county road and the tributary. To prevent compaction and rutting which could alter the hydrology, no machinery will be allowed to cross the gulch. Erosion control measures will be implemented prior to construction to keep sediment from reaching wetland vegetation.

5.3.3. Environmental Consequences – No Action Alternative

Under the no action alternative, the reroute would not occur. The existing powerline only crosses the gulch once, and is further from the wetland area. No rebuild would occur, and the current line would remain.

5.3.4. Mitigation Measures

None.

5.4. Special Status Animal Species

5.4.1. Affected Environment

Greater Sage-Grouse (*Centrocercus urophasianus*): Greater sage grouse (GRSG) are currently listed as a candidate for listing under the Endangered Species Act of 1973. An active lek (breeding ground) is within a 0.6 mile radius of the proposed re-route action. This lek has shown variable attendance over the years with no birds seen during the breeding season in 2015. Due to the unstable occupancy of birds, it is reasonable to believe that this lek site may be at risk of extirpation.

5.4.2. Environmental Consequences – Proposed Action

Greater Sage-Grouse (*Centrocercus urophasianus*):

Both the construction and operation phases of powerline projects can lead to disruption impacts. Noise and an increase in human presence during construction may displace GRSG into lower quality habitat and may disrupt breeding and nesting (Holloran 2005). Although construction impacts are generally short term, many impacts would continue during routine maintenance and operation of the ROW. GRSG would likely avoid habitat in the vicinity of infrastructure (Holloran et al. 2010), resulting in indirect habitat loss. In addition, noise and an increase in traffic during ROW operation and maintenance would disturb and likely displace GRSG (Lyons and Anderson 2003; Holloran 2005). Avoidance of habitat would be most prevalent during levels of high human activity, such as ROW construction.

GRSG have evolved in habitat devoid of tall structures. Powerline projects involving tall structures, such as power lines (distribution and transmission lines), communication towers, and meteorological towers, may lead to avoidance of suitable habitat (Pitman et al. 2005; Pruett et al. 2009; Wisdom et al. 2011). Although peer-reviewed science that demonstrated a clear avoidance of tall structures is limited for GRSG, studies conducted on species that have similar life history (i.e., the lesser and greater prairie-chickens) have shown that use of habitat is reduced when these habitats are near tall structures (Pitman et al. 2005; Pruett et al. 2009).

Different pole heights and crossarms are likely part of this proposal due to the voltage and conductor increase of this application. Upgrading the infrastructure of this line in close proximity of a lek site would likely provide an advantage to avian predators of GRSG. This could increase the chances of predation of GRSG resulting in avoidance behavior and direct take from this group of birds from strike hazards associated with infrastructure and enhancing a raptor perching environment.

5.4.3. Environmental Consequences – No Action Alternative

Under this alternative there would be no re-route, no rebuild, and no decommissioning of existing poles. There would therefore be no impact to Special Status Species as a result of this alternative.

5.4.4. Mitigation Measures

- 1). Existing line decommissioning and re-route construction would need to take place between July 15th and December 1st to avoid nesting and brood rearing time frames associated with GRSG wintering and reproduction.
- 2). **The existing line and re-route would need to conform to existing pole and crossarm sizes** to not increase the perching and strike hazards associated with GRSG avian predators.
- 3). Appropriate raptor deterrents would need to be installed on all new poles and upgrades.
- 4). **If the above mitigation measures are not feasible**, an alternative re-route south of highway 40 or other viable alternatives may be necessary to get the ROW outside of 0.6 mile radius from the lek where it would not affect grouse behavior or recruitment.

Cultural Resources

5.4.5. Affected Environment

A Class III cultural resource inventory (BLM #CR-15-08) was conducted for the existing line and a line reroute. This Class III cultural resource inventory for the Mountain Parks Electric (MPE), Inc. U.S. Highway 40 at Grand County Road 2 Rebuild Project in Grand County covers approximately 89.6 acres, of which 86.8 acres are on BLM-administered land and 2.8 acres are on state land. The project involves the reroute and rebuild of portions of the existing transmission line.

A total of 20 sites were documented within the project area, 13 sites (5GA686.23, 5GA686.324, 5GA3564.13, 5GA3564.14, 5GA4390.1, 5GA4391, 5GA4393, 5GA4396, 5GA4397, 5GA4403, 5GA4405, 5GA4406, and 5GA4418) were newly recorded and evaluated, and seven previously recorded sites (5GA7, 5GA292, 5GA1832, 5GA1835, 5GA2396, 5GA2525, and 5GA2939) were revisited and reevaluated. Of the newly recorded sites, five are historic linear segments, including two segments of U.S. Highway 40 (5GA686.23 and 5GA686.24), two railroad segments (5GA3564.13 and 5GA3564.14), and one MPEI distribution line segment (5GA4390.1). Sites 5GA686.23, 5GA686.24, 5GA3564.13, and 5GA3564.14 are determined to be eligible under criteria 36 CFR 60.4(a) to the National Register of Historic Places (NRHP) because they appear to retain their historic alignment and maintain their integrity of setting, location, and association. Site 5GA4390.1 is a segment of the MPE transmission line and does not meet the evaluation criteria for eligibility under 36 CFR 60.4 and is therefore evaluated as “not supporting” of the overall line potential eligibility.

5.4.6. Environmental Consequences – Proposed Action

The proposed action has the potential to affect cultural resource sites. The cultural resource inventory determined the eligibility and effects of the proposed action to known and newly recorded sites. The newly recorded prehistoric sites include three open lithic scatters (5GA4393, 5GA4397, and 5GA4403) and one campsite (5GA4396). The BLM has determined that the three prehistoric sites have exhausted all information potential and do not meet the evaluation criteria under 36 CFR 60.4 and are therefore considered to be not eligible to the NRHP.

Four newly recorded multicomponent sites (5GA4391, 5GA4405, 5GA4406, and 5GA4418) were recorded and evaluated to the National Register. Sites 5GA4391, 5GA4405, 5GA4406, and 5GA4418 historic components consist of a single artifact, trash scatter, or quarry debris and it has been determined by the BLM that the sites do not meet the evaluation criteria under 36 CFR 60.4 to the NRHP. Site 5GA4391 partially extends onto private property and only the portion of the site on BLM land was thoroughly investigated and determined to be heavily deflated with no apparent potential to offer additional information beyond what was recorded on the surface. The BLM has determined that the prehistoric component of the four sites (5GA4391, 5GA4405, 5GA4406, and 5GA4418) is not eligible to the NRHP because they do not meet the evaluation criteria under 36 CFR 60.4(d).

Of the seven previously recorded sites (5GA7, 5GA292, 5GA1832, 5GA1835, 5GA2396, 5GA2525, and 5GA2939), four sites 5GA1832, 5GA1835, 5GA2525, and 5GA2939 are prehistoric lithic scatters and/or camps, two sites 5GA7 and 5GA292 are prehistoric lithic scatters with a single historic artifact, and site 5GA2396 is the historic Troublesome Substation. Site 5GA1835 is comprised of an isolated find (IF) 5GA1870 and site 5GA1871 combined. Site 5GA2525 has been combined by IF 5GA1825 and sites 5GA1826 to 5GA1830 into a single site. The BLM has determined that sites 5GA7, 5GA292, and 5GA2939 lack the potential for additional information and are therefore considered to be “Officially” not eligible to the NRHP. Sites 5GA1832 and 5GA1835 do have a potential for additional information and are therefore considered to be eligible to the NRHP under the evaluation criteria 36 CFR 60.4(d). Site 5GA2525 has the potential for additional information under 36 CFR 60.4(d) and has been “Officially” determined to be eligible to the NRHP.

Additionally, nine IFs (5GA4392, 5GA4394, 5GA4395, 5GA4398 5GA4399, 5GA4400 – 5GA4402, and 5GA4404) were newly documented, all of which are prehistoric artifacts consisting of flaked stone debitage and/or tools. All isolated finds are considered to be not eligible to the National Register.

5.4.7. Environmental Consequences – No Action Alternative

The no action alternative would result in a no effect to cultural resources because of no action.

5.4.8. Mitigation Measures

None.

5.5. Visual Resources

5.5.1. Affected Environment

The proposed project is in Visual Resource Inventory (VRI) Class II and Class III areas. Currently the line crosses and runs along the north side Highway 40

5.5.2. Environmental Consequences – Proposed Action

The Proposed Action is located in lands inventoried as VRI Class II and III. The proposed reroute will move more of the line into VRI Class III and will move more of it out of sight from Highway 40 and the Scenic Byway. Management objectives for lands in VRI Class III allow for moderate change that may attract attention but not dominate the view; the Proposed Action would conform to this objective. Environmental Consequences – No Action Alternative There would be no additional impact to VRM from implementing the Proposed or the No Action Alternative.

5.5.3. Mitigation Measures

None

5.6. Colorado Standards for Public Land Health

In January 1997, the Colorado BLM approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, special status species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands. If there is the potential to impact these resources, the BLM will note whether or not the project area currently meets the standards and whether or not implementation of the Proposed Action would impair the standards.

5.6.1. Standard 1 – Upland Soils

The Proposed Action occurs on two public land parcels that have been accessed for upland soil health. The areas are generally considered to be meeting the Standard, although there are areas of active erosion due to the steep slopes and erosive soils. The Proposed Action, with the design features and stipulations, will help reduce accelerated erosion from construction and access. The area should continue to meet or move towards meeting the Standard. Under the No Action Alternative, the area's condition would not be changed.

5.6.2. Standard 2 – Riparian Systems

The Proposed Action will reroute the existing power line to be closer to the Sulphur Gulch riparian area. Sulphur Gulch is considered to be meeting the Standard, with moderate biodiversity and excellent riparian communities. The design features will help reduce any impacts to the riparian area. Under the No Action alternative, the existing conditions would continue.

5.6.3. Standard 3 – Plant and Animal Communities

Allotment 07505 was assessed on 08/13/2013. It was determined that the allotment was meeting Land Health Standards. The allotment had not been grazed for some time, and is presently in reserve status and is expected to continue in that state. Due to the invasive nature of crested wheatgrass, it continues to be the dominant grass species near the proposed action. Due to this

and other ill-advised treatments in the area, sagebrush densities are typically lower in this area as compared to the rest of the landscape. Early seral conditions exist and provide for enough variation to produce bio-diversity typical a healthy sage steppe community. Due to the requirement to match the existing infrastructure this project would not represent a net increase in fragmentation or disturbance and would therefore not affect the outcome of this land health standard.

5.6.4. Standard 4 – Special Status Species

2013 range health reports that the Sulphur Gulch allotment was meeting standard 4. However, the localized area (approximately 100 acres) parallel to the proposed line has historically been seeded with crested wheat grass and may be a contributing factor to the poor lek attendance. This area has since been sprayed with herbicide and has not recovered to its full capability. This project would not represent a net increase in fragmentation or disturbance and would therefore not affect the outcome of land health standard 4.

5.6.5. Standard 5 – Water Quality

The Proposed Action occurs adjacent to a segment of the Colorado River that is listed by the state of Colorado as having impaired water quality. The actual public land parcels have not been identified as having impaired watershed conditions that are impacting water quality. Sulphur Gulch's warm mineral-laden water is reflective of the geologic source of the water. The Proposed Action, with design features, will not affect the area's ability to meet or move towards meeting the Standard. The No Action alternative does not impact water quality.

6. CUMULATIVE IMPACTS ANALYSIS

6.1. Past, Present, and Reasonably Foreseeable Future Actions

For the purpose of this EA, the general geographic area for cumulative impact analysis is East and South of Kremmling for approximately 2.3 miles.

The time line for the cumulative impact analysis is 30 years based on the term of the ROW grant.

Past, Present, and Reasonably Foreseeable Action:

In the past, the infrastructure for an overhead power line was granted across BLM-administered lands. The power line is older and new technology creates the need for replacement to ensure service to the customers is not compromised.

In the present and future actions, the Proposed Action would replace the existing single phase line but to pole it for future 3-phase with new poles and larger 1/0 ACSR conductors and new hardware. The future 3-phase construction would be required to balance phase loading and reduce energy losses if growth continues in this area. The new wildlife friendly design for power poles would alleviate injury and mortality to eagles and sage grouse. Access to install and

maintain the power line would be from established roads, or under the existing power line within the 100 foot ROW corridor and therefore no resource damage outside of the corridor should occur from cross-country travel. If the corridor is not properly reseeded and the public perceives a new route, cross-country travel could increase. By minimizing vegetation disturbance, the soils should be protected from wind and water erosion.

The No Action Alternative could have cumulative impacts to MPEI's customers if the electrical power was disrupted or failed.

6.2. Cumulative Impacts by Resource

6.2.1. Wetlands and Riparian Zones

Sulphur Gulch is currently bordered on the north and south ends by roads. The county road to the south can carry sediment loads to the drainage during high runoff events, depositing sand and silt. There are not obvious impacts from the north road to the creek. The Tri-State powerline crosses the Gulch near the source springs, but the access does not cross the Gulch. Planned improvements of that line include using a tracked vehicle along the historic upland access and using mats and sediment controls at the tower that is located in the wetland area. Moving this powerline closer to Sulphur Gulch could increase sediment loading and vegetation disturbance in the lower portion of the riparian area. Design features should help minimize the amount of disturbance. The No Action Alternative only crosses the Gulch once, at the low narrow end of the riparian area.

6.2.2. Terrestrial Wildlife

Sulphur Gulch currently represents wintering grounds for big game. This action is not likely to affect these species. Access to install and maintain the power line would be from established roads or under the existing power line within the 100 foot ROW corridor and therefore no vegetative damage outside of the corridor should occur from cross-country travel. Upgrading existing infrastructure would not pose a net increase of fragmentation on the landscape.

6.2.3. Special Status Animal Species

Over time it is possible that an upgraded power line could lead to increased development and land uses. The towns that these lines supply power to have not grown in recent history and in some cases have decreased in population. Upgrading these lines and increasing voltage capacity would ostensibly provide for more uses. These anthropogenic uses cause disturbance to wildlife and habitat fragmentation. Also these lines and associated substation facilities provide an environment for crows and ravens which are thought to be the primary nest predators of GRSG.

Additionally, the area near the powerline is lower in habitat quality due to the crested wheatgrass plantings and decreased sage cover which may contribute to inconsistent or decreasing lek attendance. Low herbaceous and shrub canopy covers combined with increased raptor perching opportunities may make these grouse more susceptible to predation and reduce this population of birds in the future.

6.2.4. Cultural Resources

When decisions for resource management are made, combined with other past, present, and reasonably foreseeable actions, overall adverse cumulative impacts to cultural resources and Native American religious and traditional use areas of significance would result. Implementation of actions to enhance and protect resources would have a potential for adverse impacts to cultural resources and resources of importance to Native Americans.

7. SUPPORTING INFORMATION

7.1. Interdisciplinary Review

List of Preparers

Name	Title	Area of Responsibility	Date Signed
Paula Belcher	Hydrologist	Air Quality; Surface and Ground Water Quality; Floodplains, Hydrology, and Water Rights; Soils; Wetland and Riparian Zones	6/15/15
Bill B. Wyatt	Archaeologist	Cultural Resources; Native American Religious Concerns; Paleontological Resources	3/3/2015
Darren Long	Biologist	Special Status Plant and Animal Species, Migratory Birds, Areas of Critical Environmental Concern and Aquatic and Terrestrial Wildlife	6/16/2015
Zach Hughes	Natural Resource Specialist	Vegetation; Invasive, Non-Native Species; Rangeland Management	06/15/2015
Ken Belcher	Forester	Forestry and Woodland Products	
Kevin Thompson	Fire Management Specialist	Fuels and Fire Management	6/11/15
John Monkouski	Outdoor Recreation Planner	Lands with Wilderness Characteristics; Wilderness Study Areas; Recreation; Access and Transportation;	6/14/15
Hannah Schechter	Outdoor Recreation Planner	Recreation; Visual Resources; Scenic Byways	3/6/15
Kelly Elliott	Natural Resource Specialist	Geology and Minerals; Hazardous or Solid Wastes	05/08/15
Annie Sperandio	Realty Specialist, Project Lead	Realty Authorizations	6/12/2015
Susan Valente	Natural Resource Specialist	NEPA Compliance, Social and Economic Conditions, and Environmental Justice	6/16/2015

7.2. Tribes, Individuals, Organizations, or Agencies Consulted

Tribal consultation was conducted on October 14, 2014, with the five affiliated tribes: Uinta Ouray Tribe (Northern Ute Tribe), Ute Mountain Ute Tribe, Southern Ute Tribe, Eastern Shoshone Tribe, Northern Arapaho Tribe.

7.3. References

Holloran, M. J., B. J. Heath, A. G. Lyon, S. J. Slater, J. L. Kuipers, and S. H. Anderson. 2005. "Greater sage-grouse nesting habitat selection and success in Wyoming." *Journal of Wildlife Management* 69(2):638-649.

Holloran, M. J. 2005. "Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming." Doctoral thesis. University of Wyoming, Laramie.

Holloran, M. J., R. C. Kaiser, and W. A. Hubert. 2010. "Yearling greater sage-grouse response to energy development in Wyoming." *Journal of Wildlife Management* 74:65-72.

Lyon, A. G. and S. H. Anderson. 2003. "Potential gas development impacts on sage-grouse nest initiation and movement." *Wildlife Society Bulletin* 31:486-491.

Pitman, J. C., C. A. Hagen, R. J. Robel, T. M. Loughin, and R. D. Applegate. 2005. "Location and success of lesser prairie-chicken nests in relation to human disturbance." *Journal of Wildlife Management* 69:1259-1269.

Pruett, C. L., M. A. Patten, and D. H. Wolfe. 2009. "Avoidance behavior by prairie grouse: Implications for wind energy development." *Conservation Biology* 23:1253-1259.

Finding of No Significant Impact (FONSI)

Bureau of Land Management Kremmling Field Office

Project Title: MPEI Highway 40 at CR 2 power line upgrade

Legal Description: Grand County, 6th P.M.;
T. 1 N., R. 79 W., Sections 7 & 8;
T. 1 N., R. 80 W., Section 12 & 13.

Applicant: Mountain Parks Electric

NEPA Document Number: DOI-BLM-N02-2015-012-EA

Casefile/Project Number: COC-76337

These plans have been reviewed to determine if the proposed action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5. This proposed action is in conformance with the following land use plans:

Name of Plan:	Kremmling Resource Management Plan	Date Approved:	1984, updated 1999
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BACKGROUND

Mountain Parks Electric, Inc. (MPEI) is preparing to rebuild an existing power line near Highway 40 and County Road 2. This power line is old and needs to be replaced for safety reasons. The conductor, poles and crossarms will be upgraded. The line being rebuilt crosses the BLM in:

T. 1 N., R. 79 W., Sections 7 and 8; and in T. 1 N. R. 80 W., Section 12 & 13, 6th P.M.

This line is covered by COC-13113, which was issued pre-FLPMA. Pre-FLPMA right-of-ways cannot be amended, which is why an environmental assessment is required for the proposed action. After which a FLPMA right-of-way may be issued.

Finding of No Significant Impact

The Kremmling Field Office interdisciplinary review and analysis determined that the proposed action would not trigger significant impacts on the environment based on criteria established by regulations, policy and analysis.

I have reviewed the above mentioned NEPA compliance document (EA). I have determined that the proposed action and the alternatives are in conformance with the Kremmling Resource Management Plan, 1984.

I have determined, based on the analysis in DOI-BLM-N02-2015-012-EA that this is not an action that would significantly affect the quality of the human environment and, therefore, an Environmental Impact Statement is not required. This determination is based on the rationale that the significance criteria, as defined by the Council on Environmental Quality (CEQ) (40 CFR 1508.27) have not been met.

The following rationale was used to determine that significant impacts were not present for each criteria mentioned in Title 40 CFR 1508.27:

1. *Beneficial and adverse impacts.*

The upgrade of the power line would benefit Mountain Parks Electric's customers with reliable electricity. Also the line would be upgraded with wildlife friendly equipment.

2. *The degree to which the proposed action affects public health or safety.*

The proposed action would benefit public health and safety by providing more reliable electricity.

3. *Unique characteristics of the geographic area.*

There are no unique characteristics in this area and/or those that are present will not be negatively impacted.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

There should be no effect on the quality of the human environment which would be highly controversial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

There should be no possible effects on the human environment which are highly uncertain or involve unique or unknown risks.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The proposed action should not establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

This action is not related to other actions with individually insignificant but cumulatively significant impacts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The proposed action would not adversely affect any districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.* There are no threatened or endangered species or habitats for such species that has been determined to be critical under the Endangered Species Act of 1973 within the proposed project area.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

The proposed action does not threaten a violation of Federal, State or local law or requirements imposed for the protection of the environment.

Decision: It is my decision to authorize the Proposed Action as described in the attached EA, DOI-BLM-N02-2015-012-EA. This decision is contingent on meeting all monitoring requirements listed below.

Design Features:

1. No vehicle or mechanized equipment will cross Sulphur Gulch.
2. Erosion control measures will be put in place prior to construction to keep sediment from reaching wetland vegetation (Sulphur Gulch) or the private irrigation ditch (southern route).
3. No new routes are proposed for the project. Disturbed areas that are visible will be reseeded with a BLM approved native seed mix. If disturbance leads to an unauthorized route the proponent will be required to install a gate or fencing to prevent unauthorized travel along the power line corridor.
4. Nine sites are determined by the BLM as eligible for the National Register of Historic Places, including prehistoric sites 5GA1832, 5GA1835, 5GA2525, 5GA4393 and 5GA4396, and two segments of the DN&P/D&SL/D&RGW/UP railroad (5GA3564.13-14) and two segments of U.S. Highway 40 (5GA686.23-24). The remaining sites and all of the IFs are assessed as not eligible for the NRHP, and no further work is recommended.
 - a. Sites 5GA686.23, 5GA686.24, 5GA3564.13, 5GA3564.14 are spanned by the existing and new route, which is in the same alignment for the transmission line and will not be affected. Proposed activities in the vicinity of sites 5GA1832, 5GA1835, and 5GA2525 are all related temporary affects related to removal of the existing line. MPE will remove the existing poles and line during the winter when the ground is completely frozen and covered with a minimum of six inches of snow to eliminate disturbance to the sites. Line Poles will be removed by cutting them off at the base and left on the ground. Temporary construction

activity is anticipated in the vicinity of site 5GA4393; however, a buffer has been created around the site boundary, and the area will be fenced off using orange snow fence and monitored for protection during the construction phase. The reroute corridor which originally crossed site 5GA4396 has been re-engineered so that it passes to the south of the site; therefore, there will be no impacts to this site as a result of the proposed rebuild project. The BLM has determined that the proposed project is a **no adverse effect**, there are **no historic properties affected**.

COMPLIANCE MONITORING: The right-of-way would be inspected and monitored periodically during terms of the grant to ensure compliance with the terms and conditions of the grant. The right-of-way would also be inspected after any maintenance activities to determine compliance with and effectiveness of reclamation measures and evidence of invasive or non-native plants.

Authorized Officer:

/s/ Stephanie Odell
Kremmling Field Manager

6/16/2015
Date



Decision Record

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kremmling Field Office
2103 E. Park Avenue
Kremmling, CO 80459
www.blm.gov/co/kfo



Project Title: MPEI Highway 40 at CR 2 power line upgrade

Legal Description: Grand County, 6th P.M.;
T. 1 N., R. 79 W., Sections 7 & 8;
T. 1 N., R. 80 W., Section 12 & 13.

Applicant: Mountain Parks Electric

NEPA Document Number: DOI-BLM-N02-2015-012-EA

Casefile/Project Number: COC-76337

June 2015

1.0 Introduction and Background

Mountain Parks Electric, Inc. (MPEI) is preparing to rebuild an existing power line near Highway 40 and County Road 2. This power line is old and needs to be replaced for safety reasons. The conductor, poles and crossarms will be upgraded. The line being rebuilt crosses the BLM in:

T. 1 N., R. 79 W., Sections 7 and 8; and in T. 1 N. R. 80 W., Section 12 & 13, 6th P.M.

This line is covered by COC-13113, which was issued pre-FLPMA. Pre-FLPMA right-of-ways cannot be amended, which is why an environmental assessment is required for the proposed action. After which a FLPMA right-of-way may be issued.

2.0 Decision and Rationale

2.1 Alternatives Considered but not Selected

The No Action Alternative constitutes denial of the power line rebuild. Under the No Action Alternative, none of the proposed project components described in the Proposed Action would take place.

2.2 Decision and Rationale

Based on information in the EA, the project record, and consultation with my staff, I have decided to proceed with the proposed action as described in the EA. The project is not expected to have any significant impact on any resources. The proposed action would provide consistent electric power to customers in this area.

3.0 Consultation and Coordination

No special status animal or plant species (or their habitat) was found; therefore, consultation with USFWS is not necessary.

Tribal consultation was conducted on October 14, 2014, with the five affiliated tribes: Uinta Ouray Tribe (Northern Ute Tribe), Ute Mountain Ute Tribe, Southern Ute Tribe, Eastern Shoshone Tribe, Northern Arapaho Tribe. No comments were received from this consultation.

4.0 Public Involvement

The EA will be available for a formal 30-day public comment period when posted on the BLM NEPA Online Register.

5.0 Plan Consistency

Based on information in the EA, the project record, and recommendations from BLM specialists, I conclude that this decision is consistent with the 1984 Kremmling RMP and the Federal Land Policy Management Act (FLPMA).

6.0 Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. Notices of appeal must be filed in this office within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

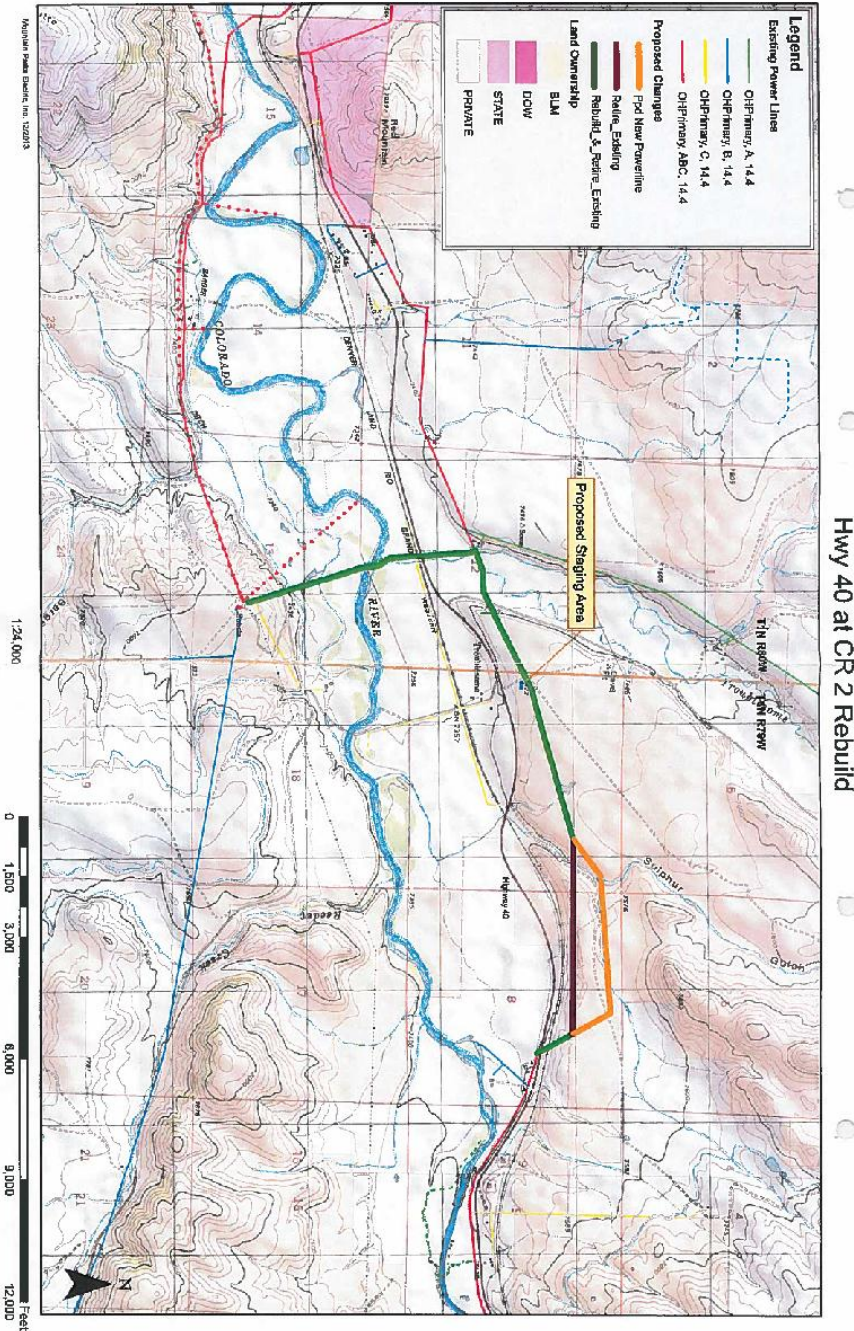
The effective date of this decision (and the date initiating the appeal period) will be the date this notice of decision is posted on BLM's (Kremmling Field Office) internet website.

/s/ Stephanie Odell
Kremmling Field Manager

6/16/2015
Date

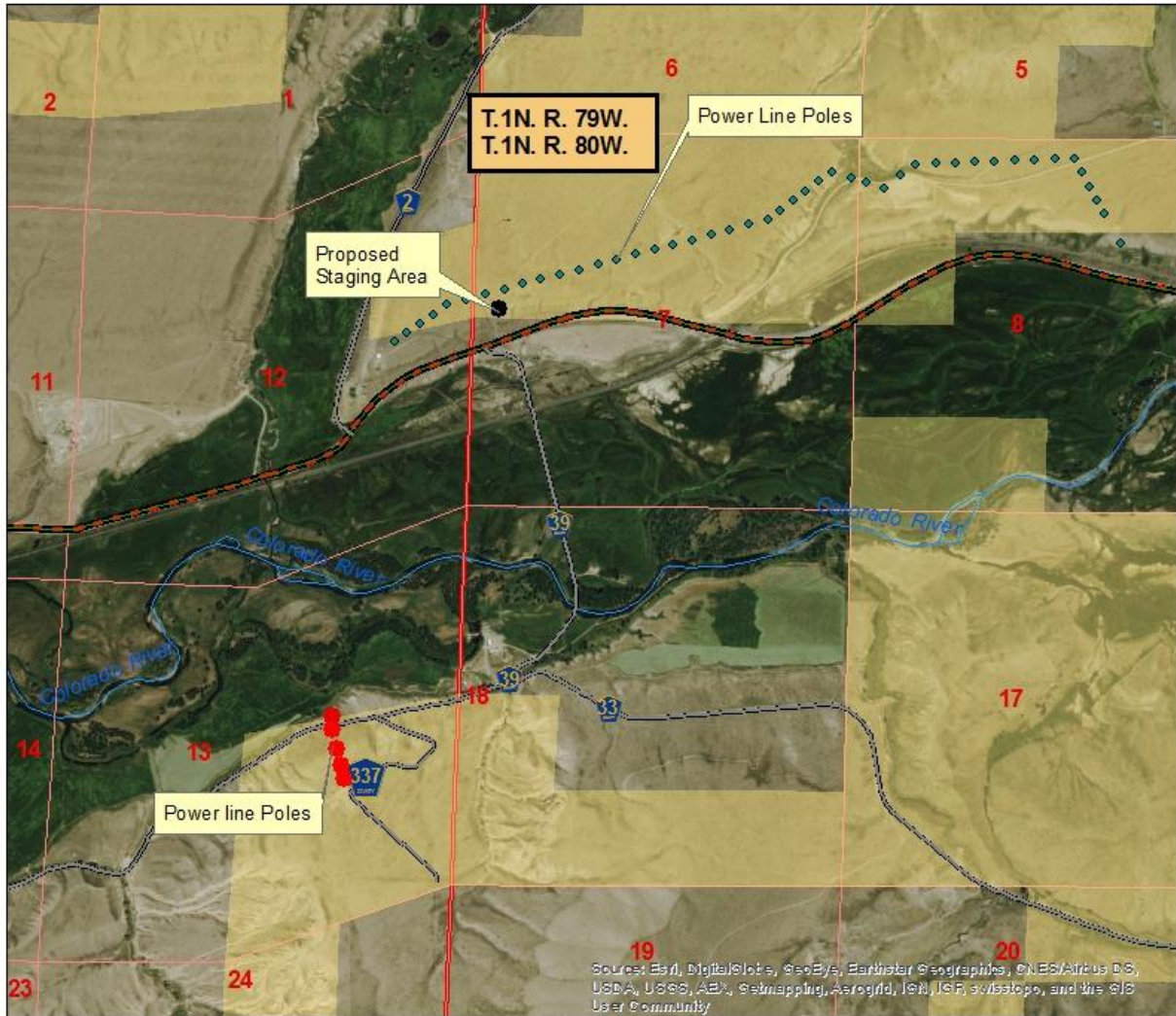
APPENDIX A. FIGURES

Map 1. Existing MPEI power lines and proposed replacements





MPEI Hwy 40 at CR 2 Upgrade COC-76337



APPENDIX B. STIPULATIONS

June 16, 2015

STIPULATIONS
FOR
Mountain Parks Electric
COC-76337
Power line

1. The holder shall contact the authorized officer at least 5 days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way.
2. The proposed transmission line should include poles and cross arms constructed to specifications which would assure large birds such as eagles cannot be electrocuted (refer to "Suggested Practices for Avian Protection on Power lines," prepared by the Avian Power Line Interaction Committee, 2006).
3. All poles and cross arms should be fitted with devices that prevent perching and electrocution. In addition, the USFWS recommends line markers for both the ground wires and guy wires to prevent collisions.
4. To protect Greater sage-grouse from avian predation, the proposed power distribution poles and cross arms should be constructed with structures which would prevent perching by large avian predators such as golden eagles.
5. The new power line between poles 42 and 61 must be constructed and the existing pole line decommissioned during a single July 15-Dec. 1 period.
6. Appropriate raptor deterrents would need to be installed on all new poles and upgrades, including perch guards installed on all vertically constructed poles.
7. Due to the close proximity of one active sage-grouse lek, no construction or decommissioning should take place between Dec 1 to July 15 to prevent disturbance to sage-grouse during critical periods (winter, breeding, and nesting). This timeframe would also satisfy critical winter habitat for Big Game and Migratory Bird nesting periods.

A ten foot buffer around each pole would need to be created and maintained every 7-10 years in areas of sagebrush 1 foot or taller, and or a fire resistant pole would need to be used to help reduce the chance of a wildfire damaging the poles, that could cause safety concerns for firefighters suppressing a wildfire. A fire resistant pole will consist of a wood pole where the bottom 54 inches is either treated with a Fire-Guard Coating (Osmose Fire Guard or equivalent) or a Fire-Guard Wrap (Osmose Fire Guard Wrap or equivalent), in areas of sagebrush 1 foot or taller, to help reduce the chance of a wildfire damaging the poles, that could cause safety concerns for firefighters suppressing a wildfire.

8. The holder shall mulch disturbed areas designated by the authorized officer. The type of mulch shall meet one of the following requirements:

(a) Straw used for mulching shall be from oats, wheat, rye, or other approved grain crops, and free from noxious weeds or other objectionable material as determined by the authorized officer. Straw mulch shall be suitable for placing with mulch blower equipment.

(b) Hay shall be certified weed free. Hay shall be suitable for placing with mulch blower equipment.

(c) Wood cellulose fiber shall be natural or cooked wood cellulose fiber, shall disperse readily in water, and shall be nontoxic. The homogeneous slurry or mixture shall be capable of application with power spray equipment. A colored dye that is non-injurious to plant growth may be used when specified. Wood cellulose fiber shall be packaged in new, labeled containers.

9. All equipment shall be washed for unwanted plant material prior to any construction activities on BLM lands. If invasive, non-native species do become established or spread, it would be the responsibility of Mountain Parks Electric to notify the BLM of their location.
10. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the second growing season. Seed mix should include salt tolerant plants.
11. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
12. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
14. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
15. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or

spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

16. When construction activity in connection with the right-of-way breaks or destroys a natural barrier used for livestock control, the gap, thus opened, shall be fenced to prevent the drift of livestock. The subject natural barrier shall be identified by the authorized officer and fenced by the holder as per instruction of the authorized officer.
17. The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for disturbing historic or archaeological sites, or for collecting artifacts.

The holder shall immediately bring to the attention of the Authorized Officer any and all antiquities, or other objects of historic, paleontological, or scientific interest including but not limited to, historic or prehistoric ruins or artifacts DISCOVERED as a result of operations under this authorization (16 U.S.C. 470.-3, 36 CFR 800.112). The holder shall immediately suspend all activities in the area of the object and shall leave such discoveries intact until written approval to proceed is obtained from the Authorized Officer. Approval to proceed will be based upon evaluation of the object(s). Evaluation shall be by a qualified professional selected by the Authorized Officer from a Federal agency insofar as practicable (BLM Manual 8142.06E). When not practicable, the holder shall bear the cost of the services of a non-Federal professional.

Within five working days the Authorized Officer will inform the holder as to:

- whether the materials appear eligible for the National Register of Historic Places;
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the Authorized Officer to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the Authorized Officer are correct and that mitigation is appropriate.

If the holder wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the Authorized Officer will assume responsibility for whatever recordation and stabilization of the exposed materials may be required.

Otherwise, the holder will be responsible for mitigation costs. The Authorized Officer will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer that the required mitigation has been completed, the holder will then be allowed to resume construction.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest that are outside of the authorization boundaries but directly associated with the impacted resource will also be included in this evaluation and/or mitigation.

Antiquities, historic, prehistoric ruins, paleontological or objects of scientific interest, identified or unidentified, that are outside of the authorization and not associated with the

resource within the authorization will also be protected. Impacts that occur to such resources, that are related to the authorizations activities, will be mitigated at the holder's cost.

18. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
19. If paleontological materials (fossils) are discovered during right-of-way activities, the operator is to immediately stop activities that might further disturb such materials and contact the authorized officer. The operator and the authorized officer will consult and determine the best option for avoiding or mitigating the paleontological site.
20. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.